

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PABLO GUZMAN, individually, and on behalf
of all others similarly situated,

Plaintiff,

-against-

MISTI'S TRANSPORT, et al.,

Defendants.

ORDER

20-CV-10156 (PMH)

PHILIP M. HALPERN, United States District Judge:

WHEREAS, Plaintiff filed a Complaint on December 3, 2020, alleging that Defendants violated, *inter alia*, the Fair Labor Standards Act (“FLSA”) by failing to pay Plaintiff overtime compensation;

WHEREAS, the parties in the above-captioned action have filed a letter representing that Plaintiff cannot maintain his claim under the FLSA because he is exempt under the Federal Motor Carrier Act (Doc. 18);

WHEREAS, the parties in the above-captioned action wish to settle this litigation and filed on November 8, 2021 a letter requesting approval of a proposed Settlement Agreement governing Plaintiff’s FLSA claim (“Proposed FLSA Settlement Agreement”) (Doc. 16; Doc. 16-1);

WHEREAS, the parties also filed a Settlement Agreement governing Plaintiff’s non-FLSA claims in the above-referenced action (Doc. 16-2);

WHEREAS, the parties’ request to approve the Proposed FLSA Settlement Agreement was denied without prejudice to renew and thereafter renewed by letter filed on November 23, 2021 (Doc. 17; Doc. 18);

WHEREAS, having reviewed the Proposed FLSA Settlement Agreement (Doc. 16-1) and related submissions, the Court finds, pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796

F.3d 199 (2d Cir. 2015), that the Proposed FLSA Settlement Agreement is fair and reasonable and that the attorneys' fees are reasonable as well, *see Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332, 335-37 (S.D.N.Y. 2012);

IT IS ORDERED that the request to approve the Proposed FLSA Settlement Agreement is GRANTED; and

IT IS FURTHER ORDERED that the Clerk of the Court close this case.

SO ORDERED:

Dated: White Plains, New York
December 27, 2021



PHILIP M. HALPERN
United States District Judge